

SUPREME COURT OF ARKANSAS

No.

Opinion Delivered 2-22-07

IN RE: SUPREME COURT
COMMITTEE ON CRIMINAL
PRACTICE, PROPOSED
AMENDMENT TO SPEEDY
TRIAL RULE

PER CURIAM

The Supreme Court Committee on Criminal Practice has endorsed the Arkansas Trial Judges' proposal that the time for speedy trial start from the date the defendant is arrested rather than the date the charge is filed. The Committee also recommends that the amendatory language cover the situation where the defendant is brought before the court by service of a summons rather than by execution of an arrest warrant.

This proposed change to Rule 28.2 of the Rules of Criminal Procedure is set out below, and the accompanying Reporter's Note further explains it. We publish the proposal for comment. Comments should be submitted in writing by April 1, 2007 and addressed to: Les Steen, Arkansas Supreme Court Clerk, Justice Building, 625 Marshall Street, Little Rock, AR 72201, Attention: Criminal Procedure Rules.

Amendment to Arkansas Rule of Criminal Procedure 28.2.

Rule 28.2. When time commences to run.

(a) The time for trial shall commence running ~~from the date the charge~~

~~is filed, except that if prior to that time the defendant has been continuously held in custody or on bail or lawfully at liberty to answer for the same offense or an offense based on the same conduct or arising from the same criminal episode, then the time for trial shall commence running from the date of arrest or service of summons.~~

Reporter's Note to 2007 Amendments.

Prior to the 2007 amendment, this rule provided that the time for trial began to run on the date the charge was filed, except when the defendant was held in custody or on bail prior to the filing of the charge, in which case the time for trial began to run on the date of arrest. The 2007 amendment changed the speedy trial start date to the date of arrest, whether the charge is filed before or after that date. The reference to "service of summons" applies to those cases in which the defendant is brought before the court via a summons, rather than an arrest. See Rule 6—Issuance of Summons in Lieu of Arrest Warrant.

The 2007 amendment applies to prosecutions initiated after the effective date of the amendment. If a person was charged with an offense before the effective date of the amendment, but arrested after the effective date of the amendment, the time for trial commences on the date the charge was filed.